

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH DIVISION

STEPHEN WALDEN, LESLIE
WALDEN, INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS
SIMILARLY SITUATED;

Plaintiffs,

vs.

THE BANK OF NEW YORK MELLON
CORPORATION, BNY MELLON,
N.A.,

Defendants.

Civil Action No. 2:20-cv-01972-CBB

United States Magistrate Judge
Christopher B. Brown

ORDER ON ECF No. 180

AND NOW, this 16th day of December, 2024,

Upon consideration of Defendants Bank of New York Mellon Corporation and BNY Mellon, N.A.'s (collectively "BNY Mellon") motion to dismiss for lack of jurisdiction ECF No. 180,

IT IS HEREBY ORDERED that said motion is **GRANTED** and Plaintiffs Stephen and Leslie Walden's (collectively "the Waldens") amended complaint is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that should the Waldens seek to amend their complaint, they shall file a motion for leave to file a second amended complaint and include the proposed amendment therein by **January 31, 2025**. Alternatively, if the Waldens seek to proceed with these claims in their individual capacities, they

shall file a notice of their intent to do so by **January 31, 2025**. If the Waldens elect to stand on their amended complaint and not file such a motion or notice by that date, then the dismissal without prejudice set forth in this Order shall be converted to dismissal with prejudice without further notice or Order of Court.

IT IS FURTHER ORDERED that the motion for class certification ECF No. 106 and the deferred ruling on the motion for summary judgment on entitlement to disgorged fees ECF No. 98 are **DENIED AS MOOT**.

BY THE COURT:

s/Christopher B. Brown
United States Magistrate Judge

cc: Counsel of record via CM/ECF electronic filing